



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,668	01/08/2002	Christopher R. Vincent	POU920010157US1	6181
23334	7590	12/01/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,668

Applicant(s)

VINCENT, CHRISTOPHER R.

Examiner

Yasin M. Barqadle

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on August 23, 2005 has been fully considered but are moot in view of the new ground(s) of rejection.

Claims 1-39 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9, 11, 13, 14, 28-36, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Svoboda (U.S. Patent number 6,597,771, hereinafter Svoboda"). Svoboda

Art Unit: 2153

discloses a method of a message modification in a communication system and a device for performing the method. Svoboda shows,

In referring to claims 1, 2, 5, 6, 9, 11, 28, 29, 32, 33, 36, and 38, Svoboda shows accepting a correction to a previously sent message and sending to an instant messaging manager on a messaging server (Svoboda col. 17-27 and col. 2, lines 5-62) one of a complete corrected message and a message correction specification:

“after receiving a message, the message being delivered into a receiver communication unit through data communication means and stored in a storage unit, there is a password allocated to the sender, the password being allocated with respect to available information about an identity of the sender, and the password is delivered back to the transmitter communication unit as acknowledgement message and serves the sender as a key for obtaining an access to functions for modification and/or deleting a message stored in a communication unit of the receiver.”

(Svoboda, col. 1, lines 57-67. see also col. 3, lines 5-26) a system that allows a user to correct a previously sent message and analyzes received messages inherently implies managing and controlling identified message to be corrected .

In referring to claims 3, 4, 7, 8, 13, 14, 30, 31, 34, and 35, Svoboda shows, a text replacement specification comprising a start character index; an end character index; and insertion text:

A system, which only updates a portion of a message, inherently implies sending information on where the new information starts and ends, and the new information

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda. Although Svoboda shows substantial features of the claimed invention, Svoboda does not explicitly show the determining step comprises determining whether at least one factor of the following corresponds to a system: language translation; correction of binary format information in a message; correction of image information in a message; system processing efficiency; network communication efficiency. Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Svoboda. An example of one embodiment of Svoboda is an e-mail system. A person of ordinary skill in the art would have readily recognized the desirability and advantages of using the system of Svoboda so as to correct image information, in order to allow the user to add an image attachment that had not originally been associated with the message.

4. Claims 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (U.S. Patent Number 6,484,196, hereinafter "Maurille" in view of Svoboda and further in view of Golan US. Publication Number (20020194278)

In referring to claims 15, 21, 24, and 25, Maurille shows substantial features of the claimed invention including an instant messaging system. "In particular, the present invention is a

Art Unit: 2153

communication board system with multiple modes in which the communication board system can be variously configured as: a threaded instant message system (conversation history plus instant access capabilities)” (Maurille, col. 2, lines 56-61). However, Maurille does not show accepting a correction to a previously sent message. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Maurille as evidenced by Svoboda. In analogous art, Svoboda discloses a method of a message modification in a communication system and a device for performing the method. Svoboda shows accepting a correction to a previously sent message and sending to a messaging server one of a complete corrected message and a message correction specification: “after receiving a message, the message being delivered into a receiver communication unit through data communication means and stored in a storage unit, there is a password allocated to the sender, the password being allocated with respect to available information about an identity of the sender, and the password is delivered back to the transmitter communication unit as acknowledgement message and serves the sender as a key for obtaining an access to functions for modification and/or deleting a message stored in a communication unit of the receiver.” (Svoboda, col. 1, lines 57-67. see also col. 3, lines 5-26). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Maurille so as to allow previously sent messages to be changed, such as taught by Svoboda, in order to allow users to correct mistakes.

Svoboda and Maurille show substantial features of the claimed invention as explained above.

However, they do not show an error corrector at the sending client device. Golan whose invention is about a system for transparently correcting a transmitted message, discloses an error

Art Unit: 2153

corrector module at the sending client device (fig. 1, correction module 24). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Svoboda and Maurille so as to enable transmitting users to revise and make the required corrections at the client device and before the receiving user reads the message.

In refining to claims 16, 17, 19, 20, 22, and 23, Maurille in view of Svoboda and further in view of Golan show,

A text replacement specification comprising a start character index; an end character index; and insertion text:

A system, in which only an updated portion of an instant message is sent, inherently implies sending information on where the new information starts and ends, and the new information

In referring to claim 18, Maurille in view of Svoboda and Golan,

Activating an alert to notify a user of an update: "For example, the message indication could be an alert light or a sound indication, among many other possibilities" Maurille, col. 12, lines 28-30)

In referring to claims 26, and 27, Maurille in view of Svoboda and Golan show,

A text replacement specification comprising a start character index', an end character index; and insertion text:

A system, in which only an updated portion of an instant message is sent, inherently implies sending information on where the new information starts and ends, and the new information

5. Claims 12 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda in view of Lewis et al. (U.S. Patent Number 6,611,802, hereinafter Lewis'). Although Svoboda shows substantial features of the claimed invention, Svoboda does not show displaying highlighted corrected text. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Svoboda as evidenced by Lewis.

In analogous art, Lewis discloses a method and system for proofreading and correcting dictated text. Lewis shows: "Also, the reviewing step can include highlighting each the word in the electronic document corresponding to the marked textual error marked in the marking step" (Lewis, col. 3, lines 8-11). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Svoboda so as to highlight the updated text, such as taught by Lewis, in order to notify the user of the changes.

Conclusion

6. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the

Art Unit: 2153

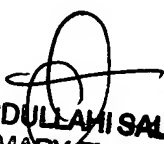
organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153


ABDULLAHI SALAD
PRIMARY EXAMINER